

FILED 09 SEP 15 09:55 USDJ-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF OREGON

SHIRLEY P. TANGERMANN,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant

Civil No. 3:08-CV-488-MA

ORDER FOR REMAND

The parties, acting through their respective counsel, hereby agree that the above-captioned case be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) to: (1) reevaluate the continuing disability review (CDR) decision, considering whether the Plaintiff's impairment still meets or equals the comparison point decision (CPD) impairment of listing **112.05A in 1980**; (2) reevaluate whether there has been medical improvement in the CPD impairment as it appeared at the time; (3) reevaluate the credibility of the Plaintiff's subjective allegations; (4)

reevaluate the Plaintiff's residual functional capacity in light of the above findings; (5) evaluate all lay witness statements of record, including the statement of Corrine Miller; and, (6) offer the Plaintiff a new hearing and a new decision. Plaintiff may also present new arguments and further medical evidence, if such evidence becomes available.

The parties stipulate that this case be reversed and remanded to the ALJ on the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

DATED this 14 day of September 2009.

Malcolm F. March

UNITED STATES DISTRICT JUDGE

Presented by:

s/ Kathryn A. Miller
KATHRYN A. MILLER
Special Assistant United States Attorney
of Attorneys for Defendant
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